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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,291

09/22/2005

Hermann Goebels

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EXAMINER

NGUYEN, VU Q

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/524,291</p>	<p><b>Applicant(s)</b> GOEBELS ET AL.</p>	
	<p><b>Examiner</b> VU Q. NGUYEN</p>	<p><b>Art Unit</b> 3657</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 13-21 and 24-26.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Robert A. Siconolfi/  
Supervisory Patent Examiner, Art Unit 3657

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argues that there is no suggestion in GB '130 to arrange the additional solenoid control valve outside a housing accommodating the remaining valve assembly, since it is unambiguously clear that each of the pressure regulator modules 100 disclosed by GB '130 forms one module entity. In response, the Examiner submits that one of ordinary skill in the art would recognize that the pressure regulator modules disclosed by GB '130 are depicted merely as schematic diagrams, and thus, it would be within the skill level and general knowledge of one of ordinary skill in the art that he/she could simply relocate or move components to a finite number of desirable locations, as long as electrical and/or mechanical connections are kept intact. Therefore, it would have been obvious to merely rearrange the additional solenoid control valve 12 shown in Fig. 2a, outside a housing accommodating the remaining valve assembly.

Applicant also argues that GB '130 teaches away from such a modification, since the object of the invention of GB '130 is to reduce the number of components by using modules, and arranging an additional solenoid control valve outside of the pressure-regulator module would have rendered the invention of GB '130 unsatisfactory for its intended purpose. In response, the Examiner submits that a mere rearranging of the already disclosed additional solenoid control valve 12 outside of the pressure-regulator module does not in any way increase the number of components, and thus, GB '130 does not teach away from such a modification. Furthermore, a module can still be maintained with the additional solenoid control valve 12 mounted directly outside of the housing accommodating the remaining valve assembly, and thus, such a modification would not render the invention of GB '130 unsatisfactory for its intended purpose.

Applicant further argues that there is no suggestion that the additional solenoid control valve is "constructed to be connectable to the remaining valve assembly for supplementing an existing anti-skid control operation by a drive-slip control operation," as claimed in claim 13, and that the valve 25 in Fig. 2 and the valves 64, 65 in Fig. 3 of GB '521 are not designed for or suitable for supplementing an existing control operation by a drive-slip control operation. To clarify, the Examiner submits that the specific valves of GB '521 are not relied upon to supplement an existing control operation by a drive-slip control operation, but only relied upon to show that valves may be arranged outside a housing accommodating a remaining valve assembly, and that the valves are constructed to be connectable to the remaining valve assembly. The Examiner submits that if the additional solenoid control valve 12, as shown in Fig. 2a of GB '130, was arranged outside the housing accommodating the remaining valve assembly and was connectable to the remaining valve assembly, as taught by GB '521, the additional solenoid control valve 12 would at least be capable of supplementing an existing anti-skid control operation by a drive-slip control operation, depending on how it is controlled. In this way, the Examiner submits that the intended use/functional recitation of "for supplementing an existing anti-skid control operation by a drive-slip control operation" is met.